

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE	*	CASE NO. 12-04450 MCF
	*	
RAMONITA IVETTE SOTO CRUZ	*	CHAPTER 13
	*	
DEBTOR	*	

**DEBTOR'S MOTION REQUESTING ORDER DISMISSING CASE
DOCKET NO. 56 BE SET ASIDE/RECONSIDERATION AND
REQUEST FOR CONVERSION TO CHAPTER 7**

TO THE HONORABLE COURT:

COMES NOW, RAMONITA IVETTE SOTO CRUZ, debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. On April 15, 2014, the Court issued an *Order Dismissing Case*, docket no. 56, whereby the above captioned case was dismissed, for failure to "make plan payments" as stated by the Chapter 13 Trustee in his *Trustee's Motion to Dismiss*, docket no. 51.

2. The debtor respectfully submits that she did incur in the Plan arrears as stated by the Chapter 13 Trustee in his motion to dismiss, docket no. 51, but that the Plan arrears were caused by debtor's medical condition which has resulted in a reduction in her work hours and monthly income/salary.

3. The debtor is hereby respectfully requesting reconsideration of the Order of dismissal, whereby, if granted, the case would be re-opened, to allow the debtor to convert the case to a case under Chapter 7.

4. This motion requesting order of dismissal be set aside/reconsideration is grounded on Rule 9024 of the Federal Rules of Bankruptcy Procedure, which applies Rule

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60 of the Federal Rules of Civil Procedure.

5. Under Rule 60 (b) (1) and (6), within a reasonable time, a debtor may request the Court to relieve him from a final order for the following reasons: mistake, inadvertence, surprise, or excusable neglect and/or for any other reason justifying relief from the operation of the judgment. Rule 60 (b) (1) and (6) of the Federal Rules of Civil Procedure.

6. In the present case, the debtor is a nurse and single mother whose medical condition has resulted in a reduction of her work hours and thus, her monthly salary, which current income is insufficient to make the Chapter 13 Plan payments.

7. The debtor respectfully submits that she did reply to the Trustee's motion to dismiss and requested a 30-days extension of time to cure the Plan arrears, at docket no. 52, which was granted by this Honorable Court until April 21, 2014, docket no. 53.

8. However, the *Order Dismissing Case* issued by this Honorable Court was entered on April 15, 2014, docket no. 56, or prior to the expiration of the granted extension of time.

9. Therefore, the debtor respectfully prays the Court re-open and set aside the *Order Dismissing Case*, dated April 15, 2014, docket no. 56, allowing the debtor to continue under the protection of the Bankruptcy Court, and allowing the debtor to convert the present Chapter 13 case to a case under Chapter 7.

WHEREFORE, debtor respectfully requests this Honorable Court grant this motion and set aside/reconsider the April 15, 2014, *Order Dismissing Case* (docket no. 56) entered in the above captioned case, for the purposes of allowing the debtor to request a conversion to Chapter 7.

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NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I **CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notification of this motion to: Jose Ramon Carrion Morales, Chapter 13 Trustee; US Trustee's Office, Monsita Lecaroz Arribas, Esq.; and that a copy of the same has been sent via US Mail to the debtor Ramonita Ivette Soto Cruz, Urb Jose Delgado F 15 Calle 4 Caguas PR 00725; and to all creditors and parties in interest appearing in the Master Address List, hereby attached.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 28th day of April, 2014.

/s/Roberto Figueroa Carrasquillo
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0104-3
Case 12-04450-MCF13
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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